

DHEC LAND APPLICATION PERMIT AND VIABILITY LETTER



November 5, 2020

Mr. Ed Myrick, Vice President/Secretary
Golf Club at Briar's Creek Property Owners Association, Inc.
4401 Leeds Avenue, Suite 120
North Charleston, SC 29405

RE: Briar's Creek Holdings, LLC
Transfer of ND Permit and Briar's Creek Golf Club Wastewater Treatment Facility
ND Permit No. ND0080977
Charleston County

Dear Mr. Myrick:

Based on the information provided in the attached October 1, 2020 letter addressed to you as the President and Secretary of the Golf Club at Briar's Creek Property Owners Association, Inc. ("Buyer") and signed by Mr. Robert J. Licato, Senior Vice President of Briar's Creek Holdings, LLC ("Seller"), where the "Seller" has agreed to deposit into the Community reserve account approximately \$125,754.00 (One hundred and twenty five thousand, seven hundred and fifty four dollars). This amount shall serve as a reserve fund available to the "Buyer" for operating the referenced wastewater treatment facility for at least three (3) years.

In light of this information and the Viability Business plan submitted by Mr. Nathan K. Plagens, Director of Projects, Briar's Creek Holdings, LLC., in February 2020, the Department considers the Golf Club at Briar's Creek Property Owners Association, Inc. ("Buyer") as a viable entity that can own, operate and maintain the referenced wastewater treatment facility and will transfer the ND permit #ND0080977 to the "Buyer" after the sale is finalized and final sale documents and proof of funding in the Community reserve are provided to the Department.

If you have any questions, please feel free to contact me at 803-898-4228 or email me at greenba@dhec.sc.gov.

Sincerely,

Brenda Green, Manager
Domestic Wastewater Permitting Section
Water Facilities Permitting Division

mss:

cc: Lowcountry BEHS Charleston (email – attachments)
Shawn Clarke, SCDHEC
Stephen Hightower, SCDHEC (email – attachments)
Nathan Plagens, McNair Interests (email – attachments)
Robert Licato, Briar's Creek Holdings, LLC (email – attachments)
Joe Bunting, Community Association Manager (email – attachments)

Encl: Oct. 1, 2020 letter from Mr. Licato
Feb. 11, 2020 letter from Mr. Plagens
Viability Business Plan

Land Application Discharge Permit

This State Permit Certifies That

BRIAR'S CREEK HOLDINGS, LLC
Briar's Creek Golf Development WWTP

has been granted permission to discharge treated wastewater from a facility located at

Johns Island
Charleston County

to property located at the

13-acre Tree Farm site adjacent to the WWTP

in accordance with effluent limitations, monitoring requirements and other conditions set forth in Parts I, II, III, IV and V hereof. This permit is issued in accordance with the provisions of the Pollution Control Act of South Carolina (S.C. Code Sections 48-1-10 et seq., 1976), Regulation 61-9 and with the provisions of the Federal Clean Water Act (PL 92-500), as amended, 33 U.S.C. 1251 et seq., the "Act."



Shawn M. Clarke, P.E., Director
Water Facilities Permitting Division
Bureau of Water

Issued: May 23, 2013

Expires¹: June 30, 2023

Effective: July 1, 2013

Permit No.: ND0080977

Modified Date: September 3, 2020

¹ This permit will continue to be in effect beyond the expiration date if a complete timely re-application is received pursuant to Regulation 61-9.505.6 and signed per Regulation 61-9.505.22

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month.

- H. The "Department" or "DHEC" shall refer to the South Carolina Department of Health and Environmental Control.
- I. The "geometric mean" of any set of values is the N^{th} root of the product of the individual values where N is equal to the number of individual values. The geometric mean is equivalent to the antilog of the arithmetic mean of the logarithms of the individual values. For purposes of calculating the geometric mean, values of zero (0) shall be considered to be one (1).
- J. A "grab sample" is an individual, discrete or single influent or effluent portion of at least 100 milliliters collected at a time representative of the discharge and over a period not exceeding 15 minutes and retained separately for analysis.
- K. The "instantaneous maximum or minimum" is the highest or lowest value recorded of all samples collected during the calendar month.
- L. The "monthly average", other than for fecal coliform and enterococci, is the arithmetic mean of all samples collected in a calendar month period. The monthly average for fecal coliform and enterococci bacteria is the geometric mean of all samples collected in a calendar month period. The monthly average loading is the arithmetic average of all daily discharges made during the month.
- M. "POTW" means a treatment works as defined by section 212 of the Clean Water Act, which is owned by a state or municipality (as defined by section 502[4] of the CWA). This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature or a regional entity composed of two (2) or more municipalities or parts thereof. It also includes sewers, pipes and other conveyances only if they convey wastewater to a POTW Treatment Plant. The term also means the municipality, as defined in section 502(4) of the CWA, which has jurisdiction over the Indirect Discharges to and the discharge from such a treatment works.
- N. "Practical Quantitation Limit (PQL)" is the concentration at which the entire analytical system must give a recognizable signal and acceptable calibration point. It is the concentration in a sample that is equivalent to the concentration of the lowest calibration standard analyzed by a specific analytical procedure, assuming that all the method-specific sample weights, volumes, and processing steps have been followed. It is also referred to as the reporting limit.
- O. "Privately owned treatment works" means any device or system which both is used to treat wastes from any facility whose operator is not the operator of the treatment works and is not a POTW.
- P. "Quarter" is defined as the first three calendar months beginning with the month that this permit becomes effective (unless otherwise specified in this permit) and each group of three calendar months thereafter.
- Q. "Quarterly average" is the arithmetic mean of all samples collected in a quarter.
- R. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
- S. "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the permittee.

PART II. Standard Conditions

A. Duty to comply

The permittee must comply with all conditions of the permit. Any permit noncompliance constitutes a violation of the Clean Water Act and the Pollution Control Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application. The Department's approval of wastewater facility Plans and Specifications does not relieve the permittee of responsibility to meet permit limits.

1. a. The permittee shall comply with effluent standards or prohibitions established under section 307(a) of the Clean Water Act for toxic pollutants and with standards for sewage sludge use or disposal established under section 405(d) of the CWA within the time provided in the regulations that establish these standards or prohibitions or standards for sewage sludge use or disposal, even if the permit has not yet been modified to incorporate the requirement.
- b. It is the responsibility of the permittee to have a treatment facility that will meet the final effluent limitations of this permit. The approval of plans and specifications by the Department does not relieve the permittee of responsibility for compliance.
2. Failure to comply with permit conditions or the provisions of this permit may subject the permittee to civil penalties under S.C. Code Section 48-1-330 or criminal sanctions under S.C. Code Section 48-1-320. Sanctions for violations of the Federal Clean Water Act may be imposed in accordance with the provisions of 40 CFR Part 122.41(a)(2) and (3).
3. A person who violates any provision of this permit, a term, condition or schedule of compliance contained within a valid ND permit, or the State law is subject to the actions defined in the State law.

B. Duty to reapply

1. If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit. Any POTW with a current effective permit shall submit a new application at least 180 days before the expiration date of the existing permit, unless permission for a later date has been granted by the Department. (The Department shall not grant permission for applications to be submitted later than the expiration date of the existing permit)
2. If a privately owned treatment works as defined in Part I.N, wishes to continue an activity regulated by this permit after the expiration date of this permit, the privately owned treatment works must apply for and obtain a new permit. A privately owned treatment works with a currently effective permit shall submit a new application 180 days before the existing permit expires, unless permission for a later date has been granted by the Department. The Department may not grant permission for applications to be submitted later than the expiration date of the existing permit.

C. Need to halt or reduce activity not a defense

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

D. Duty to mitigate

The permittee shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

construction permit under Regulation 61-67 and whose owner owns or operates the wastewater treatment system to which the sewer discharges.

c. General requirements. The permittee must:

- (1) Properly manage, operate, and maintain at all times all parts of its sewer system(s), to include maintaining contractual operation agreements to provide services, if appropriate;
- (2) Provide adequate capacity to convey base flows and peak flows for all parts of the sewer system or, if capital improvements are necessary to meet this standard, develop a schedule of short and long term improvements;
- (3) Take all reasonable steps to stop and mitigate the impact of releases of wastewater to the environment; and
- (4) Notify the Department within 30 days of a proposed change in ownership of a sewer system.

F. Permit actions

This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

G. Property rights

This permit does not convey any property rights of any sort, or any exclusive privilege nor does it authorize any injury to persons or property or invasion of other private rights, or any infringement of State or local law or regulations.

H. Duty to provide information

The permittee shall furnish to the Department, within a reasonable time, any information which the Department may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The permittee shall also furnish to the Department upon request, copies of records required to be kept by this permit.

I. Inspection and entry

The permittee shall allow the Department, or an authorized representative (including an authorized contractor acting as a representative of the Department), upon presentation of credentials and other documents as may be required by law, to:

1. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
4. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized

- (1) Analytical results below the PQL from methods available in 40 CFR 136 or otherwise specified in the permit shall be reported as zero (0), provided the PQL is below the value specified in Part V.G.5 and the result is also below the PQL. Zero (0) shall also be used to average results which are below the PQL. When zero (0) is reported or used to average results, the permittee shall report, in the "Comment Section" or in an attachment to the DMR, the analytical method used, the PQL achieved, and the number of times results below the PQL were reported as zero (0).
 - (2) Analytical results above the PQL from methods available in 40 CFR 136 or otherwise specified in the permit shall be reported as the value achieved, even if the PQL is below the value specified in Part V.G.5. When averaging results using a value containing a < the average shall be calculated using the value and reported as < the average of all results collected.
 - (3) Mass values shall be calculated using the flow taken at the time of the sample and either the concentration value actually achieved or the value as determined from the procedures in (1) or (2) above, as appropriate.
5. The PCA provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$25,000 or by imprisonment for not more than 2 years, or both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment provided by the Clean Water Act is also by imprisonment of not more than 4 years.

K. Signatory requirement

1. All applications, reports, or information submitted to the Department shall be signed and certified.
 - a. Applications. All permit applications shall be signed as follows:
 - (1) For a corporation: by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means:
 - (a) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or
 - (b) The manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
 - (2) For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or
 - (3) For a municipality, State, Federal, or other public agency or public facility: By either a principal executive officer, mayor, or other duly authorized employee or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes:
 - (a) The chief executive officer of the agency, or

use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan (included in the ND permit directly or by reference);

2. Anticipated noncompliance

The permittee shall give advance notice to DHEC/Bureau of Water/Water Pollution Control Division of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

3. Transfers

This permit is not transferable to any person except after notice to DHEC/Bureau of Water/NPDES Administration Section. The Department may require modification or revocation and reissuance of the permit to change the name of permittee and incorporate such other requirements as may be necessary under the Pollution Control Act and the Clean Water Act. (See section 505.61; in some cases, modification or revocation and reissuance is mandatory.)

- a. Transfers by modification. Except as provided in paragraph b of this section, a permit may be transferred by the permittee to a new owner or operator only if the permit has been modified or revoked and reissued (under R.61-9.505.62(e)(2)), or a minor modification made (under R.61-9.505.63(d)), to identify the new permittee and incorporate such other requirements as may be necessary under CWA.
- b. Other transfers. As an alternative to transfers under paragraph a of this section, any ND permit may be transferred to a new permittee if:
 - (1) The current permittee notifies the Department at least 30 days in advance of the proposed transfer date in Part II.L.3.b(2) of this section;
 - (2) The notice includes a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, coverage, and liability between them; and
 - (3) Permits are non-transferable except with prior consent of the Department. A modification under this subparagraph may also be a minor modification under section 505.63.

4. Monitoring reports

Monitoring results shall be reported at the intervals specified in the permit. Monitoring periods are calculated beginning with the permit effective date, unless otherwise stated elsewhere in this permit. If the permit is modified, the effective date of the modification is used to begin calculation of the monitoring period for those items that are part of the modification unless otherwise stated elsewhere in this permit.

- a. Monitoring results (with the exception of any Annual Reporting requirements under section 503.18, section 503.28, section 503.48 or section 504.18) must be reported on a Discharge Monitoring Report (DMR) or forms provided or specified by the Department for reporting results of monitoring of sludge use or disposal practices.
 - (1) Effluent Monitoring:

Effluent monitoring results obtained at the required frequency shall be reported on a Discharge Monitoring Report Form (EPA Form 3320-1). The DMR is due postmarked no later than the 28th day of

5. Twenty-four-hour reporting

- a. The permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally to local DHEC office within 24 hours from the time the permittee becomes aware of the circumstances. During normal working hours call:

County	EQC Region	Phone No.
Anderson, Oconee	Upstate BEHS Anderson	864-260-5569
Abbeville, Edgefield, Greenwood, Laurens, McCormick, Saluda	Upstate BEHS Greenwood	864-223-0333
Greenville, Pickens	Upstate BEHS Greenville	864-241-1090
Cherokee, Spartanburg, Union	Upstate BEHS Spartanburg	864-596-3800
Fairfield, Lexington, Newberry, Richland	Midlands BEHS Columbia	803-896-0620
Chester, Lancaster, York	Midlands BEHS Lancaster	803-285-7461
Aiken, Allendale, Bamberg, Barnwell, Calhoun, Orangeburg	Midlands BEHS Aiken	803-641-7670
Chesterfield, Darlington, Dillon, Florence, Marion, Marlboro	Pee Dee BEHS Florence	843-661-4825
Clarendon, Kershaw, Lee, Sumter	Pee Dee BEHS Sumter	803-778-6548
Georgetown, Horry, Williamsburg	Pee Dee BEHS Myrtle Beach	843-238-4378
Berkeley, Charleston, Dorchester	Low Country BEHS Charleston	843-953-0150
Beaufort, Colleton, Hampton, Jasper	Low Country BEHS Beaufort	843-846-1030

After-hour reporting should be made to the 24-Hour Emergency Response telephone number 803-253-6488 or 1-888-481-0125 outside of the Columbia area.

A written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times; and, if the noncompliance has not been corrected, the anticipated time it is expected to continue and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

- b. The following shall be included as information which must be reported within 24 hours under this paragraph.
- (1) Any unanticipated bypass which exceeds any effluent limitation in the permit. (See R.61-9.505.41(L)(6)(ii)(A).
 - (2) Any upset which exceeds any effluent limitation in the permit.
 - (3) Violation of a maximum daily discharge limitation for any of the pollutants listed by the Department in the permit to be reported within 24 hours.

limitations to be exceeded but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of Part II.M.2 and 3 of this section.

2. Notice.

- a. Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible, at least ten days before the date of the bypass to DHEC/Bureau of Water/Water Facilities Permitting Division.
- b. Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in Part II(L)(5) of this permit (24-hour reporting).

3. Prohibition of bypass

- a. Bypass is prohibited, and the Department may take enforcement action against a permittee for bypass, unless:
 - (1) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - (2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
 - (3) The permittee submitted notices as required under Part II.M.2 of this section.
- b. The Department may approve an anticipated bypass, after considering its adverse effects, if the Department determines that it will meet the three conditions listed above in Part II.M.3.a of this section.

N. Upset

1. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of Part II.N.2 of this section are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.
2. Conditions necessary for a demonstration of upset. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - a. An upset occurred and that the permittee can identify the cause(s) of the upset;
 - b. The permitted facility was at the time being properly operated; and
 - c. The permittee submitted notice of the upset as required in Part II.L.5.b(2) of this section.
 - d. The permittee complied with any remedial measures required under Part II.D of this section.
3. Burden of proof. In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.

Part III. Limitations and Monitoring Requirements**A. Effluent Limitations and Monitoring Requirements**

1. During the period beginning on the effective date of this permit and lasting through the expiration date, the permittee is authorized to land apply effluent and is identified as outfall serial 001. Such discharge shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS					MONITORING REQUIREMENTS		
	Pounds per Day		Other Units			Measurement Frequency	Sample Type	Sample Point
	Monthly Average	Weekly Average	Monthly Average	Weekly Average	Daily Maximum			
Flow	---	---	0.050 MGD	0.050 MGD	---	Daily	Continuous	Effluent
Biochemical Oxygen Demand - 5 Day (BOD ₅)	13	19	30 mg/l	45 mg/l	---	1/Month	24 Hour Composite	Effluent
Total Suspended Solids (TSS)	38	56	90 mg/l	135 mg/l	---	1/Month	24 Hour Composite	Effluent
Nitrate (N)	---	---	MR mg/l	MR mg/l	---	1/Month	24 Hour Composite	Effluent
Dissolved Oxygen (DO)	---	---	2.0 mg/l Minimum at all times			Daily	Grab	Effluent
pH	---	---	6.0 - 8.5 Standard Units			Daily	Grab	Effluent

Signature: SM Clark

B. [Reserved]

C. Groundwater Requirements

1. Groundwater Monitoring Requirements

- a. Each of the 8 groundwater monitoring wells shall be sampled by the permittee as specified below:

~~13-acre tree farm: 3 wells~~

(At the time of this permit issuance, the golf course disposal has not been constructed. The groundwater monitoring wells associated with the non-constructed site are not required to be installed until the spray field is placed into operation. However, all wells must be reported, but the uninstalled wells may be noted that no samples were taken during the sampling period because the spray fields have not been placed into operation.)

Parameter	Measurement Frequency	Sample Method
Ammonia (NH ₃)	Annually	Pump or Bailer Method
Nitrate (N)	Annually	Pump or Bailer Method
Field pH	Annually	Pump or Bailer Method
TDS	Annually	Pump or Bailer Method
Field Specific Conductance	Annually	Pump or Bailer Method
Depth to Groundwater (Report within 0.01 feet)	Annually	Tape
Groundwater Elevation (Report within 0.01 feet above mean sea level)	Annually	Tape

- b. The permittee shall follow the Groundwater Monitoring Sampling Period and Reporting Deadline in the table below for the coordinating Measurement Frequency indicated in the table (in paragraph a.) above:

Measurement Frequency	Sampling Period	Reporting Deadline
Quarterly (Samples must be taken at least 60 days apart.)	January 1 st – March 31 st	April 28 th
	April 1 st – June 30 th	July 28 th
	July 1 st – September 30 th	October 28 th
	October 1 st – December 31 st	January 28 th
Semi-Annually	January 1 st – March 31 st	April 28 th
	July 1 st – September 30 th	October 28 th
Annually	October 1 st – December 31 st	January 28 th

- c. For new spray irrigation sites, background groundwater quality data must be submitted prior to final approval to place into operation.
- d. Sample collection methods shall be in accordance with EPA publication SESDPROC 301-R2, dated October 28, 2011.
- e. All groundwater monitoring wells must be properly maintained at all times and are to yield a representative sample of the aquifer. If the groundwater elevation drops to a level that prevents the collection of a sample for two consecutive sampling periods, then this well shall be considered as "rendered unusable." In accordance with Regulation 61-71, any monitoring well which is destroyed, rendered unusable, or abandoned, shall be reported to the Department, and shall be properly abandoned, revitalized, or replaced. The permittee shall revitalize or replace the dry well within six months after recording the second dry sampling period.

Part IV. Schedule of Compliance

A. Schedule(s)

1. Within 120 days of the Effective Date of this permit, pursuant to Regulation 61-9.505.21(f)(17), the permittee shall submit to the Department either:
 - a. Proof of ownership (fee simple title) of the land application site used for treated effluent disposal; or
 - b. A contract, lease or other legally binding agreement substituted for the proof of ownership provided that:
 - i. The contract, lease or agreement shall be for a period of at least 30 years with an automatic right of renewal for an additional 30 years. Cancellation wording may be included if all parties agree and obtain prior Departmental approval of any cancellation of the agreement; and
 - ii. The contract, lease or agreement shall clearly identify that the use of the land application site is for effluent application and may take precedence over other uses unless there is a permitted secondary year-round disposal option; and
 - iii. The contract, lease or agreement shall specify the quantity of effluent to be applied on a daily or weekly basis; and
 - iv. The contract, lease or agreement shall be binding on all heirs, assignees and successors.
2. Within 45 days of the Effective Date of this permit, the permittee shall submit to the Department:
 - a. Current site map(s) with labeling that illustrate the components of the wastewater treatment plant (such as basins, tanks, piping, sludge treatment, etc.), groundwater monitoring wells, streams and other waterbodies, property boundaries, and any on-site production wells.
 - b. The ground level elevation and the top of the casing elevation of each groundwater monitoring well measured to within 0.01 feet above mean sea level, unless another measurement accuracy is approved by the Department.
3. Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each scheduled date.

environment.

- c. This permit may be modified to address any standard for sludge use or disposal promulgated under Section 405(d) and Section 503 of the Clean Water Act and R.61-9.503 State Domestic Sludge Regulations or additional controls of a pollutant or practice not currently limited in this permit.
- d. It must be noted that 40 CFR Part 503 Standards for the Use or Disposal of Sewage Sludge, Federal Register Volume 58, No. 32, pages 9248 through 9415, dated February 19, 1993, was effective March 22, 1993, and R.61-9.503 State Domestic Sludge Regulations was effective June 28, 1996 and continues in effect. The compliance with the Federal sludge regulations is directly enforceable as identified in 40 CFR Part 503.3. No person shall use or dispose of sewage sludge through any practice for which requirements are established except in accordance with 40 CFR Part 503. Any sludge disposal permits issued by the Department will remain in effect and all conditions and requirements will apply; however, this does not relieve the permittee from complying with the conditions of 40 CFR Part 503 or State Regulation 61-9.503.
1. Compliance with the standards (40 CFR Part 503 and R.61-9.503) should have been achieved by February 19, 1994, and this condition continues to be in effect.
 2. When compliance with the standard required construction of new pollution control facilities, compliance with the standards (40 CFR Part 503 and R.61-9.503) should have been achieved by February 19, 1995, and this condition continues to be in effect.
 3. All other requirements for the frequency of monitoring, record keeping, and reporting identified in 40 CFR Part 503 or R.61-9.503, was effective on July 20, 1993 and continue to be in effect.
 4. Class I sludge management facilities (includes but is not limited to all facilities with pretreatment programs, Publicly Owned Treatment Works (POTW) with a design flow rate equal to or greater than 1 Million gallons per day, and POTW's that serve 10,000 people or more) shall submit the following to EPA Region IV (USEPA Region IV, Clean Water Act Enforcement Section, Water Management Division, 61 Forsyth Street SW, Atlanta, GA 30303) with a duplicate copy to the Department:
 - a. The information in 40 CFR Part 503.17(a) except the information in §503.17(a)(3)(ii), 503.17(a)(4)(ii) and 503.17(a)(5)(ii), for the appropriate requirements on February 19 of each year.
 - b. The information in 40 CFR Part 503.17(a)(5)(ii)(A) through (a)(5)(ii)(G) on February 19 of each year when ninety (90) percent or more of any of the cumulative pollutant loading rates in Table 2 of §503.13 is reached at a site.
- The requirements to send information to EPA Region IV will remain in effect until the State of South Carolina is delegated the sludge program under 40 CFR Part 123 or 40 CFR Part 501. The permittee is also required to send a copy of the information to the Department under the requirements of R.61-9.503.
- e. Until such time as a specific federal sludge disposal permit is issued under the provisions of 40 CFR Part 503, the direct enforceability (§503.3(b)) of the sludge standards requires that the permittee shall not use or dispose of sewage sludge through any practice for which requirements are established in 40 CFR Part 503, except in accordance with those requirements. If the Department includes State sludge permit requirements under R.61-9.503, the conditions of that permit shall apply in addition to any requirements under 40 CFR Part 503.
- f. 1. The permittee must obtain prior Departmental approval of planned changes in the facility when the alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition or change may justify the application of permit conditions that are different from

- (4) Contingency plans and methods to address odor problems for the different type of disposal/application methods used.
- b. Unless otherwise requested, prior to issuance of a new or expanded land application disposal permit (either NPDES or ND), the Department may review the odor abatement plan for compliance with this Part (503.50). The Department may require changes to the plan as appropriate.
- c. No permittee may cause, allow, or permit emission into the ambient air of any substance or combinations of ~~substances in quantities that an undesirable level of odor is determined to result unless preventative measures~~ of the type set out below are taken to abate or control the emission to the satisfaction of the Department. When an odor problem comes to the attention of the Department through field surveillance or specific complaints, the Department may determine, in accordance with section 48-1-120 of the Pollution Control Act, if the odor is at an undesirable level by considering the character and degree of injury or interference to:
- (1) The health or welfare of the people;
 - (2) Plant, animal, freshwater aquatic, or marine life;
 - (3) Property; or
 - (4) Enjoyment of life or use of affected property.
- d. After determining that an undesirable level of odor exists, the Department may require:
- (1) the permittee to submit a corrective action plan to address the odor problem,
 - (2) remediation of the undesirable level of odor within a reasonable timeframe, and
 - (3) in an order, specific methods to address the problem.
- e. In accordance with R.61-9.503.50(e), if the permittee fails to control or abate the odor problems addressed in this section within the specified timeframe, the Department may revoke disposal/application activities associated with the site or the specific aspect of the sludge management program.

E. [Reserved]

Minor Modification: *J. P. B.*

Effective Date: May 15, 2014

Part V

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Upon development of specific limits for these pollutant categories, either in an approved POTW Pretreatment Program or otherwise, such limits shall be deemed prohibitions for the purpose of Section 307(d) of the Act and shall be enforceable in lieu of the general prohibitions set forth above.

G. Additional Operational Requirements

1. The wastewater treatment plant is assigned a classification of Group II-B (Biological) in the Permit to Construct that is issued by the Department. This classification corresponds to an operator with a grade of C.
2. The wastewater treatment plant is assigned a Reliability Classification of Class III, in accordance with Section 67.400 "Reliability Classifications" of the Standards for Wastewater Facility Construction: R.61-67.
3. For parameters with a sample frequency of once per month or greater, the Permittee shall monitor (at least one sample) consistent with conditions established by this Permit on the first (1st) Wednesday of every calendar month, unless otherwise approved by the Department. (For example; with a once per week (01/07) sampling frequency, the permittee shall monitor one weekly sample on the day of the week noted during the monthly DMR reporting period.)

For parameters with a sampling frequency of less than once per month (if any), the permittee shall monitor these parameters on specific date noted above on any of the months during the appropriate reporting period unless otherwise approved by the Department. (For example, with a once per quarter (1/90) sampling frequency, the permittee may monitor on the day of the week noted in either the first, second or third month in the quarterly reporting period.)

For parameters requiring multiple samples for a single test the Permittee may collect the samples on any date during the reporting period, unless otherwise approved by the Department. The permittee must notify the Department of the planned sampling dates upon request.

In accordance with R.61-9.505.41(j)(1)(iii), the Department may waive compliance with the permit requirement for a specific sampling event for extenuating circumstances. Additional monitoring, as necessary to meet the frequency requirements of this Permit (Part III.A., III.B., and III.C., if applicable) shall be performed by the Permittee.

B. If the number from item #3 above is less than 120 samples collected in the previous twelve (12) months:

- ☐ Yes. I Certify that no more than one (1) bacterial sample exceeded the daily maximum limit of 43 MPN/100 ml in the previous twelve (12) months, and that value is:

Sample date:

(mm/dd/yyyy)

Sample result:

_____ MPN/100ml

- ☐ None (If no exceedance in the previous twelve (12) months, check this box)

C. ☐ Neither (A) nor (B) above is true*.

5. Certify that the disinfection equipment and wastewater solids handling system was fully functional during this reporting period.

☐ Yes. I certify this to be true.

☐ No. This is not true*.

6. Certify that neither an existing Consent Order nor Administrative Order is associated with the facility's operation of this disinfection system.

☐ Yes. I certify this to be true.

☐ No. This is not true*.

7. Certify that all laboratory data included with this report is sufficiently sensitive to accurately represent the effluent bacteria concentrations. No values were reported as ">" greater than.

☐ Yes. I certify this to be true.

☐ No. This is not true*.

* If you check any of the starred boxes above, you cannot use this form.

Name: _____

Signature: _____

Date: _____

Note: The Fecal Coliform supplemental data sheets are required only in the event the permittee reports Fecal Coliform data under Part III.A.3.